

MINUTES OF MEETING
State Board of Education
June 6, 2002

The June meeting of the State Board of Education was held over the Iowa Communications Network (ICN). Gene Vincent conducted the meeting from the ICN Room, Grimes State Office Building, Des Moines. The other Board members participated from other ICN sites as follows: Jim Billings and Mary Jean Montgomery-Spencer Public Library; Charles Edwards – Grimes State Office Building; Sally Frudden-North Iowa Area Community College; Sister Jude Fitzpatrick and Kay Wagner-Scott Community College; and Don Roby-North Winneshiek High School. Also present at the Des Moines site were Department director Ted Stilwill and Department staff members Gail Sullivan, Lee Tack, Judy Jeffrey, Ann McCarthy, Carol Greta, Susan Anderson, Evelyn Anderson, Catherine Vance, Lois Irwin, Terry Voy, Laurie Phelan, Erik Heitz, Kathi Woods, Jan Huss and Beverlee Adams. Also present were Robin Madison, Legislative Fiscal Bureau; Stephanie Pickens, Office of the Governor; Bill Garner, Area Education Agency 5 Administrator and Board President Warren Clausen and Al Wood, AEA 3 Administrator and Board President Dean Saunders.

President Vincent called the meeting to order at 1:00 p.m.

It was moved by Kay Wagner and seconded by Sally Frudden to approve the agenda as written.

COMMUNICATION

Public Comment

There was no public comment.

Board Reports

Sally Frudden reported she had attended an AEA/DE Design Committee meeting on May 22. This involved looking at by-laws for the design team. She felt the Board would be interested in the design team make-up. The director of education annually appoints members of the team to meet the

criteria outlined for representation. Frudden commented she had also attended the Iowa Post High School Coordinating Council meeting in Grinnell. The discussion topic was reviewing the duplication of programs between community colleges and higher education.

Mary Jean Montgomery indicated she had participated in the evaluation process for the NASBE Leader of the Year. This announcement would be forthcoming in the fall. Montgomery indicated she also attended the Iowa high school community conversation in Emmetsburg. The group expressed a concern regarding the pace of the process. Another concern was the stakeholders that might be missing from the table that might include parents and representation from the school district.

Don Roby reported that he had represented Director Stilwill at the community college presidents' retreat. Roby also indicated the Community College Council had met and had recommended several items for approval to the State Board. He felt the equity report reflected very good work and he expressed his appreciation for the work on this project.

Charles Edwards - no report.

Kay Wagner reminded the members of the Board that the annual retreat would be held June 19-21 at the West Des Moines Learning Center.

Sister Jude Fitzpatrick reported she had attended a high school forum in Area 9 in which parents, teachers and business representatives attended. She felt student representation needed to be included in these formats as well. Fitzpatrick indicated that one of the recommendations was to add funded staff development days to the calendar.

James Billings - no report.

Gene Vincent – no report.

Director Report

Ted Stilwill, Director introduced Stephanie Pickens, as the education liaison from the Governor's Office. He expressed his appreciation to Don Roby for representing him at the community college presidents' retreat. Stilwill reported on the most recent information regarding the Iowa Central Community College meeting with the Legislative Oversight Committee.

Director Stilwill indicated the staff was aggressively working on meeting the timelines for the No Child Left Behind (NCLB) proposal to be submitted to the U.S. Office of Education. He gave an update of the work that had been completed at this time.

Legislative Update

Stilwill gave a budget update on the final elements of the extraordinary session legislation and the Governor's vetoes and the effect it would have on education and the function of the Department. He indicated he would have more information available at the time of the State Board retreat.

CONSENT AGENDA

Minutes

The minutes of the May 9-10, 2002 State Board meeting were approved with the correction to change North Iowa Community College to Northeast Community College in the first line on page 4.

Appeal Decisions

The following appeal decisions were approved:

- In re Rebecca Cuppy, Connor Young, Marissa Woodsmall, Tritan Sturgill, Breanna Poage, Daykota Shelton, Alyssa Bone, Henry Tanner Newell, Chandler Greer, Sarah Clarke & Kirsten St. Clair. Brian and Janette Cuppy, Brandon & Lyndia Young, Jennie Cushman & Scott Woodsmall, Alexa Sturgill, Tiffany & Kent Poage, Kandi Shelton, Victoria Clarke-Bone, Tamara Newell, Raymond & Shelly Greer, Mary Markham Clarke & Steve Clarke, Mary Jo & Rod St. Clair, Appellants, v. Des Moines Independent Community School District, Appellee. The decision affirms the decisions of the Board of Directors of the Des Moines Independent Community School District made on January 22, 2002; February 5, 2002; and February 19, 2002, denying open enrollment for Appellants' children.
- In re Linndy Blaine; Trisha Lyttle Mark Schreck; Kelsey, Kane and Kyle Michelsen. Robin Saldana; Jim & Sharon Lyttle; Kathy & Mark Schreck; and Tamara Michelsen, Appellants, vs. Des Moines Independent Community School District. The decision affirms the decisions of the Board of Directors of the Des Moines Independent Community School District made on January 22, 2002, denying open enrollment for Appellants' children.
- In re Phillip Houston. Kathy and Lloyd Houston, Appellants, v. A-H-S-T Community School District, Appellee. This decision reverses the action of the Board of Directors of the A-H-S-T Community School District made on January 21, 2002, which denied Appellants' request for open enrollment for their son into the District for the 2002-2003 school year.

Rules

The following rules were approved for recision from the Department of Education's administrative rules:

- Chapter 26, Drivers Education
- Chapter 68, Conservation Education
- Chapter 69, School Breakfast and School Food Service

The following rules were approved for Notice of Intended Action for the Department of Education's administrative rules:

Chapter 58, School Lunch Program

Chapter 6, Appeals

Chapter 21, DUI Administrative Fee

Chapter 36, Extracurricular Interscholastic Competition

Appeal Decision

Susan Anderson, the Department's administrative law judge, presented an overview of the proposed appeal decision **In re Amanda Jones**. Anderson indicated that the Appellant was seeking reversal of the Paton-Churdan Board of Directors decisions made on February 13, February 27 and March 13, 2002 to expel Amanda Jones through the end of the 2001-2002 school year. She explained the Board's action was not out of proportion to Amanda's conduct when it expelled her for four months for violating its weapons policy and threatening the general safety of the school environment. The Board had acted consistently with respect to students in the same situation, and they had the authority to expel Amanda for the rest of the school year. Anderson felt the evidence in the record on the racial discrimination allegation was insufficient for the State Board to reverse the local board's expulsion of Amanda Jones on that basis. Therefore, there is no basis upon which to reverse Amanda's expulsion on the allegations that it was racially discriminatory.

Don Roby asked about the effect the State Board action would have, if any, on the timing of this appeal since it was at the end of the school year.

Motion: Sally Frudden moved and Sister Jude Fitzpatrick seconded that the decisions of the Paton-Churdan Community School District Board of Directors made on February 13, February 27, and March 13, 2002 expelling Amanda Jones for the remainder of the 2001-2002 school year be affirmed.

Vote: The motion carried unanimously.

Rules: Chapter 68, Pilot Charter Schools

Laurie Phelan, Education Consultant and Ann McCarthy, Policy Consultant, Department of Education presented this agenda topic. Phelan indicated the 2002 Iowa legislature enacted a limited charter schools law. The bill, Senate File 348, allowed the State Board of Education to select 10 pilot charter schools. A local school board would be the only permissible chartering agent. The local district may apply to charter an existing attendance center or to charter a new school within an existing attendance center. She explained that the bill requires teachers to be appropriately licensed and to be an employee of the school district. State and federal funds will flow to the pilot charter school as if the building was a regular attendance center in the district. The pilot charter school must follow the student accountability provisions of House File 2272.

Ann McCarthy said that each charter must be renewed after four years. The statute itself sunsets in eight years. She indicated the bill also contains an unusual effective date. Senate File 348 becomes law only upon such time as the Department of Education receives federal charter school funds available under the No Child Left Behind Act of 2001. McCarthy indicated that typically, the federal funds available to charter schools are \$50,000 for a one year planning grant and a \$150,000 grant for each of the two following years to assist implementation.

Ms. Phelan reported that the U.S. Department of Education is currently in the process of finalizing its charter school application. It is expected that the federal application will be due in mid-July with funds awarded in October. Therefore, this proposed Notice of Intended Action would not be adopted until such time as Iowa becomes a federal grant recipient.

Don Roby asked if changes could be made to these rules until the final approval was received from the U.S. Office. Ms. McCarthy indicated there would be a public hearing on these rules and input from these hearings would be considered before sending the rules to the Board for adoption.

Motion: It was moved by Don Roby and seconded by Mary Jean Montgomery that the Board approve Chapter 68, Pilot Charter Schools, of the Department of Education's administrative rules for notice of Intended Action.

President Vincent called for a roll call vote.

Vote: Voting aye: Frudden, Vincent, Billings, Edwards, Fitzpatrick, Montgomery, Roby and Wagner. The motion carried unanimously.

Notice of Changes to Open Enrollment Rules

Carol Greta, Legal Consultant, Eric Heitz and Lois Irwin, School Improvement Consultants were available for this presentation. Carol Greta reviewed the substantial changes to Iowa Code section 282.18, Open Enrollment, made by the 2002 Iowa General Assembly. She indicated it was necessary to make similar changes to our agency rules, which govern open enrollment procedures to avoid confusion for school districts and parents/guardians of children who wish to use these procedures.

Mary Jean Montgomery asked if the sibling preference was already in the rules. There was a case earlier today where the superintendent of the school district did not seem to be aware of the sibling relationship with one of the appellants. Montgomery also asked what impact these rule changes would have on the legal staff and the State Board of Education. Carol Greta, legal counsel, indicated there would be a lot fewer appeals.

Don Roby asked a question of Montgomery on the sibling preference question. He was concerned that the Board had overruled the opportunity for a sibling to move because the original sibling never made a notice. Greta responded that as of July 1 siblings applying would automatically be allowed out. She also pointed out that a line would be added on the open enrollment form that would indicate the open enrollment status of other siblings.

Motion: It was moved by Sister Jude Fitzpatrick that the State Board approve Chapter 17, changes to Open Enrollment Rules, to be placed in the Iowa Administrative Code for Notice of Intended Action. Kay Wagner seconded.

President Vincent asked for a roll call vote.

Vote: Voting aye: Frudden, Billings, Edwards, Fitzpatrick, Montgomery, Roby, Wagner and Vincent. The motion carried unanimously.

Rules: Chapter 43, School Bus Inspection Fee

Director Ted Stilwill introduced Terry Voy, School Transportation Consultant. He shared with the Board that Terry had been responsible for major improvements in the school bus inspection process as well as changes in the bus driver certification system. Stilwill indicated that Terry had been selected as the Department Employee of the Year and was honored at a recognition program by the Golden Dome Award where the Governor and Lt. Governor recognize outstanding employees. Stilwill indicated he was pleased to congratulate Terry as the employee of the year.

Terry Voy reviewed the Chapter 43, School Bus Inspection Fee changes. He indicated that House File 2515, a Department bill, allows this agency to begin charging a fee for school bus inspections to cover the administrative cost of the Department's school transportation staff. The rule proposes a \$15 fee for each of the two inspections required annually.

Voy reported the fee is part of an overall plan to streamline the Department's administration of school transportation services while continuing to meet the safety needs of Iowa's school children. HF 2515 contained two other provisions that simplify and offset the new fee. He explained to the Board that as of July 1, 2003, school bus drivers will be required to have a physical examination every other year rather than the current annual requirement. This aligns with the Department of Transportation standard. The attending physician and the school district retain the right to require more frequent physical examinations for its bus drivers.

Mr. Voy commented that also on July 1, 2003 the Department would move to a web based bus driver certification system. This simplifies the current individual permit process by asking districts to certify the Iowa driver license status and physical fitness of each of their drivers. The Department will then be able to easily verify and authorize the eligibility of its drivers by district instead of by individual permit.

Voy stated that as Director Stilwill had pointed out, this plan creates significant savings for this Department's general administration budget. It is expected that the four school transportation staff members will be supported from the inspection fee. Offsetting the inspection fee with the move to an every other year physical is projected to save school districts \$75,000 statewide.

Motion: It was moved by Don Roby and seconded by Mary Jean Montgomery to approve Chapter 43, School Transportation of the Department of Education's administrative rules for Notice of Intended Action.

Vote: The motion carried unanimously.

AEA 3 and AEA 5 Reorganization

Administrator Judy Jeffrey, Division of Early Childhood, Elementary and Secondary Education, complimented AEA 3 and AEA 5 for the many arduous hours of work contributed by the individual staff members, the respective boards and the newly created joint board in designing the proposed reorganization plan.

Bill Garner, AEA 5 Administrator and Al Wood, AEA 3 Administrator as well as Warren Clausen, AEA 5 board president and Dean Saunders, AEA 3 board president were present for this agenda item.

Bill Garner stated that the 2001 Iowa legislature passed legislation which allowed AEAs to voluntarily reorganize. AEA 3 and AEA 5 are the first agencies to undertake this endeavor. He indicated this proposed plan had been submitted to the Department of Education which included an executive summary and a very detailed appendix which is on file with the Department. He indicated the appendix included documented results of the feasibility study, public hearings, assets and liabilities according to the most recent audit of the AEAs, buildings and equipment for each AEA, and preliminary plans for service centers and a central office for the reorganized entity. All items in the appendix meet the Code specifications for a reorganization study including documentation that there were either no or very few comments at the public hearings. He reported it was clear through the documentation of the board minutes and public hearings that the stakeholders support the reorganization.

Mr. Garner reported that a conscious effort had been made during this reorganization discussion to keep communications open and available to all staff members, school districts, patrons and board members. Following every meeting a summary was put on the web sites of each of the AEAs, and disseminated via e-mail to staff members and superintendents. He felt that sharing information had helped to minimize the fears and rumors that may have occurred during discussions affecting the structure of an organization.

The presentation included a document with the sequence of events that had transpired as part of the process to consider and develop a Voluntary Reorganization Plan for AEA 3 and AEA 5. Garner indicated a feasibility study had been conducted by Ghan Consulting, Inc. to outline the options for a merger between AEAs 3 and 5 and other adjacent area education agencies. This feasibility study provides rationale and criteria by which to substantiate the need for such a reorganization. He indicated that for one year all three boards would be in operation—AEA 5, AEA 3, and the newly created joint board.

Administrator Garner indicated it is the belief that the Voluntary Reorganization Plan and Appendix satisfy all requirements in Chapter 273 of the Code of Iowa and additional information to show the progress reached in desiring to create a new organization to better meet the needs of schools and children within our area. Therefore, this is a request for State Board approval of the Voluntary Reorganization Plan to be effective July 2003.

Al Wood, AEA 3 Administrator expressed his thanks to Dr. Garner for his leadership in working with the two boards as well as the superintendent groups.

Sally Frudden expressed her gratitude to these AEAs for blazing the trail and felt it exemplified great work. Don Roby congratulated the AEA boards and staff indicating this was a great day for AEAs and applauded the refreshing approach. James Billings had attended the AEA meetings and had been extremely impressed with how they were handled. Charles Edwards reported he was particularly impressed with the efficiency and effectiveness of the process used in arriving at this proposal. Sister Jude Fitzpatrick congratulated the boards and felt the strength exhibited in the planning was commendable.

Director Ted Stilwill commented on the outstanding cooperation and leadership exhibited in this reorganization proposal.

President Vincent concluded the comments with accolades for the leadership, the open communication, and the thoroughness in setting the example for the first voluntary reorganization plan.

Motion: It was moved by Sally Frudden to approve the reorganization plan for AEA 3 and AEA 5. It was seconded by Charles Edwards.

Vote: The motion carried unanimously.

Program Approvals

Evelyn Anderson, Chief, Bureau of Community Colleges introduced this agenda item. Ken Maquire, Consultant, Industrial Technology Education; Catherine Vance, Consultant, Health Occupations and Colleen Hunt, Consultant, Business/Marketing Education/Information Technology reviewed the following requests for program approval:

1. Postsecondary program through Southeastern Community College – Industrial Machinery Maintenance and Repair (New program)
2. Postsecondary program through Northwest Iowa Community College – Associate Degree Nursing (ADN) Advanced Standing (New program)
3. Secondary program through Ogden Community School District – Industrial Equipment Maintenance and Repair (New program)
4. Secondary program through Southeast Polk Community School District – Computer Software, Media Applications, and Programming – (New program)

Don Roby commented that he felt it would be of benefit to articulate these programs with community colleges. Mary Jean Montgomery appreciated the programs being removed from the consent agenda and indicated she had continued concern for the gender equity in these programs.

Motion: It was moved by Kay Wagner and seconded by Charlie Edwards to approve the proposed program approvals.

Vote: The motion carried unanimously.

Equity in Vocational Education Report

Director Ted Stilwill reported to the Board that this report had been delayed in being brought to the Board in order to gather additional information on gender equity in career and technical education programs that had been requested by State Board members.

Greg McClain and Mary Jean Montgomery had been appointed as a State Board subcommittee to study the issue of equity in vocational education. Director Stilwill indicated that a list of questions that were used in planning this session on vocational education had been sent to the Board.

Jan Friedel, Administrator, Division of Community Colleges and Workforce Preparation introduced Jan Huss, Consultant, Bureau of Career and Technical Education for presentation of this report.

Ms. Huss gave a PowerPoint review that had been developed in response to requests from the State Board for enrollment data and trends in Career and Technical Education programs at community colleges for the purpose of determining improvement in the gender balance and minority representation.

The data used in this report are based upon the enrollment data from the Division of Community Colleges and Workforce Preparation's Management Information System (MIS). The data was disaggregated by college, by the program CIP in the Career and Technical Education clusters of agriculture, business, industrial technology, health occupations, family and consumer sciences, and marketing and then aggregated in categories by program major for the community college system.

Huss outlined and discussed the following major topics:

Gender Equity
Definitions
Nontraditional Careers

Segregated Courses/Programs

When Test Indicates Segregation in Courses and Programs

- Federal Laws Governing Equity
- State Laws
- CC Enrollment Trends—1999-2001
- Industrial Technology Total by Gender –1999-2001
- Architectural Drafting
- Mechanical Drafting
- Graphic and Printing Communications
- Business Cluster Total by Gender - FY 1999-2001
- Bookkeeping/Accounting
- Data Programming Technician
- CTE Enrollment by Ethnicity - FY 2001
- State Leadership
- CC Accreditation
- Equity Reviews
- 1998-2002 State Leadership Initiatives
- Projects in Progress
- New Initiatives

Ms. Huss reported that a national report had recently been released on vocational education equity. She felt that the Department was continuing to make progress in data collection for equity in vocational education programs. The Management Information System (MIS) data collection was providing better information.

Mary Jean Montgomery said that the Board should use these tools to make more progress in supporting equity in these programs. Montgomery questioned if enrollments are doing what they say they are doing—what is the trend data?

Jan Huss indicated this report provided information regarding nontraditional career and gender-segregated courses and programs, and a summary of trends regarding career and technical education programs.

President Gene Vincent adjourned the meeting at 4:20 p.m.

Gene Vincent, President

Ted Stilwill, Executive Officer and Director

